

Customer No.: 31561  
Application No.: 10/708,643  
Docket No.: 12695-US-PA

**REMARKS**

This is a full and timely response to the outstanding nonfinal Office Action mailed Jan. 12, 2007. Reconsideration and allowance of the application and presently pending claims 1-6 are respectfully requested.

**Discussion of Office Action Rejections**

The Office Action rejected claims 1-6 under 35 U.S.C. 103(a) as being as unpatentable over Shattil US 20030147655A1 in view of Razavilar US 20030181211A1.

In response thereto, Applicants hereby otherwise traverse these rejections, and submit that independent claim 1 and its dependent claims 2-6 addressed hereby are novel and unobvious over Shattil, Razavilar, or any of the other cited references, taken alone or in combination, and thus should be allowed.

With respect to claim 1, as originally filed, recites in parts:

A method of setting operation channel of wireless local area network access point, comprising the steps of:  
obtaining the occupation status of various channels in the surrounding;  
dividing each channel into a plurality of sub-channels and computing to determine in-use weight of each sub-channel according to the occupation status of the channels; and selecting the channel with the most unoccupied sub-channels to

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serve as an operation channel of the wireless local area network access point.

In rejecting the above-mentioned claims, the Examiner cited Shattil as a primary reference. However, the Examiner did not interpret the particular part relied on as nearly as practicable, and did not explain the pertinence of each reference, as required by 37 C.F.R. 1.104 (c) (2). Specifically, the Examiner failed to interpret the subject matter on which the rejection relied to teach the channel and sub-channel as set forth in claim 1.

Shattil teaches carriers and subcarriers, as well as subcarrier allocation process, especially in the paragraphs designated by the Examiner, i.e., 0076, 0090, 0166, 0168). It seems the Examiner was trying to interpret the carriers and subcarriers of Shattil to read on the channel and sub-channels of the claimed invention. Applicants submit that such an interpretation is incorrect, or at least make no sense to those of ordinary skill in the art to make the claimed invention.

As well known to those of ordinary skill in the art, a carrier is a waveform or waveforms for carrying a signal or signals therewith, while a channel in the art is a specific signal transmitting spectra band and is also defined as can be selected by a user in the current specification. As such, a carrier would not be sufficient to read on a channel, and similarly a subcarrier would not be sufficient to read on a sub-channel.

It would be more clearly of the difference between a carrier and a channel in the art in referring a teaching of Shattil himself, that is "the amplitude of each carrier is

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affected by the Rayleigh law, hence flat fading occurs ... good channel estimation with an appropriate detection algorithm and channel coding is essential to compensate for fading" (Emphasis added). A channel does not like a carrier taught by Shattil to have amplitude. Although channel estimation or channel coding may be performed to compensate the difficulty occurred associating with the carrier, they are distinct subject matters, especially in Shattil's reference.

As such, Applicants submit that Shattil failed to teach, disclose, or suggest "obtaining the occupation status of various channels in the surrounding"; and "dividing each channel into a plurality of sub-channels and computing to determine in-use weight of each sub-channel according to the occupation status of the channels" (Emphasis added).

Therefore, even as proposed by the Examiner to be further modified by Razavilar, each and every limitation of the claimed invention, as set forth in claim 1 is not disclosed.

For at least the foregoing reasons, claim 1 and its dependent claims 2-6 are submitted to be novel and unobvious over Shattil, Razavilar or any of the other cited references, taken alone or in combination, and thus should be allowed.

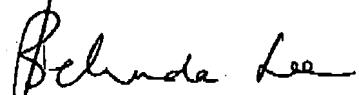
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CONCLUSION

For at least the foregoing reasons, it is believed that the pending claims 1-6 are in proper condition for allowance and an action to such effect is earnestly solicited. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

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Respectfully submitted,

  
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